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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.835 OF 2007

Diana Rohinton Bharucha ... Petitioner

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr. Aiyaz Khan for the petitioner.

Ms. P.H. Kantharia, A.P.P. for the State.

Mr. Girish Kulkarni for respondent 2.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 4TH MAY, 2007.

P.C.:-

1. The fear expressed by the petitioner is that respondent 2 may go out of India and may not be available for investigation of the case. Respondent 2 has filed an affidavit. Paragraphs 4 and 5 of the said affidavit read as under :

> *"4. I say that I have always co-operated with the Police in their investigation process and my statement has already been recorded by the marine drive police station pursuant to the Petitioner' ssaid complaint MECR No.3 / 2007. I say that I will continue to co-operate with the police in their investigation of the matter.*

> *5. I say that I do not intend to leave the country in the near future. In any event I hereby solemnly undertake to this Hon' ble Court that until the police investigation in the matter is complete I will not leave the Country without the permission of the Addl. Chief Metropolitan Magistrate 8th Court at Esplanade where the petitioner has filed the said complaint MECR No.3 / 2007."*

2. We accept the undertakings given by respondent 2 in paragraphs 4 and 5 of the said affidavit. So far as the contents of rest of the affidavit are concerned, we make it clear that we have not expressed any opinion on them. We are informed by Mr. Kulkarni, the learned counsel for respondent 2 that the petitioner has also made an application for same relief before the Magistrate's Court. Mr. Khan, the learned counsel for the petitioner states that he has instructions to withdraw the said application and he will withdraw the said application tomorrow i.e. on 5/5/2007. We accept this statement. In view of the above, noting survives in the petition. The petition is disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]